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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/316,430	05/21/1999	RONALD A. KATZ		7770

35554 7590 02/23/2004

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/316,430

Applicant(s)

KATZ, RONALD A.

Examiner

Yogesh C Garg

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-52 is/are pending in the application.
- 4a) Of the above claim(s) 35-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment C, paper # 18, received on 11/24/2003 is acknowledged and entered. New claims 35-52 have been added. Currently claims 17-52 are pending for examination.

Election/Restrictions

2. Newly added claims 35-52 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The newly added claims 35-52 constituting Group II are directed to a computerized system for controlling the communication traffic of incoming requests received from buyers of an organization and using a selection means to route them to the designated parties/vendors falling in class 348/ 14.11-14.12 and 379/93.09-93.12 and this utility was not required in the originally presented claims 17-34, constituting Group I, which was directed to a system consisting members connected on a communication network , receiving requests from network members, using a filtering means to filter out the members based upon filtering conditions set up by the network buyer and broadcasting the filtered requests to the network/ vendors falling in class 705/26..

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, claims 35-52 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

3. Applicant's arguments filed on 11/24/2003 concerning claims 17-34 and the amendments sought in the specification in the earlier amendment, paper # 14, have been fully considered but they are not persuasive in overcoming the arguments submitted by the examiner in the previous office action, paper # 16.

With regards to the applicant's arguments concerning "filter means" (see amendment pages 16-18) are not persuasive to overcome the analysis presented on pages 6-9 in the earlier office action.

With regards to the applicant's arguments concerning "Objections to Prior amendments on the Basis of " New Matter" added to the disclosure (see amendment pages 18-23) are not persuasive to overcome the analysis presented on pages 2-5 in the earlier office action. Therefore, objections to the proposed amendments in the disclosure, as new matter is maintained based on the analysis presented on pages 2-5 in the earlier office action.

With regards to the applicant's arguments concerning "Rejection under 35 USC 112 is improper " (see amendment pages 23-26) are not persuasive to overcome the analysis presented on pages 6-12 in the earlier office action. As analyzed in the earlier office action, filter means invoke 35 USC 112, paragraph 6 and accordingly the applicant's disclosure does not support the filter means of the patent '328 which determine which network members are to receive said request for proposal based upon filter conditions set up by the network buyer, the process of filtering and the information used in filtering as detailed on pages 6-12 in the earlier

office action. Therefore, rejection under 35 USC 112 is maintained based on the analysis presented on pages 6-12 in the earlier office action.

In view of the foregoing, the applicant's arguments concerning rejection under 35 USC 102 and 103 (see amendment page 26) are not persuasive to overcome the rejection analysis presented on pages 13-23 in the earlier office action.

Thus as analyzed above all objections to the proposed new matter in the disclosure and rejections of the claims 17-34 are maintained. This is a final action.

Claim Rejections - 35 USC § 112

4. Claims 17-34 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regards to claims 17-18, claim 19, claims 20-27, 28-31, and 32-34, the specification does not disclose (a) filter means for filtering the network members in said storage means to determine whichnetwork members ...in accordance with pre-established conditions (b) that the filter conditions are set by the buyer and the vendor for selecting one or more appropriate vendors to send the buyer's request for proposals but instead the vendor is already selected/designated by the buyer when he forwards the request, (c) filter and broadcast means for receiving requests from said requestor to engage with unspecified vendor terminals, (d) filtering at filter means to ascertain a set of sellers in response to at least one request for proposal from one buyer, and (e) filtering said RFPs meeting a first set of filter conditions and filtering the accepted quotes from sellers meeting additional filter conditions either by said vendor or filter means respectively. Instead, the specification teaches that the vendor is already

selected/designated/specified by the buyer when he forwards the request, and this request for proposal with the already designated/selected vendor from buyer reaches the selectivity logic 47 in the TIS-the filter means claimed by the applicant (see amendment page 9, line 15-page 10, line 2, "...*Functionally the operation is performed by the central traffic control system TIS.....the selectivity logic 47.....and occasionally the Unit P28*"), which enhances the selection of calls/communication between buyers and vendors based upon data such as DNIS, AIN and numerical merchandising codes like 47000 , to assist TIS, to determine and properly direct communications between already selected/designated/specified buyers and vendors to prevent information overload (see at least page 23-24, paragraph 0076, page 37, paragraph 01115. Further, Page 41, paragraph 0127, lines 27-32, " Returning to the routine situation, as indicated above, each buyer and vendor is associated with specific merchandise codes.....merchandise codes not only facilitate and expedite communication..." explicitly teaches that both selected buyers and vendors are associated with a common merchandise code. FIG.9, and page 44, paragraph 0135, lines 23-35 explicitly discloses that the buyer specifies this merchandise code in the request for proposal before the request reaches selectivity logic 47/central traffic control system TIS and the merchandise code itself is indicative of the selected vendor and also of the fact that mere routing of the request for purchase communication is carried out by the selectivity logic 47/TIS and not filtering of unspecified vendors to select vendors based upon conditions stated in the request.).

5. Note: Prior art eligibility date. Since the subject-matter/limitation of the claims in the instant application, " filter means for filtering the network members based upon filter conditions" using a selectivity logic 47 is supported only by the co-pending application serial no.

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08/189,405, filed on January 27, 1994 and now US Patent number 6,323,894, the prior art date earlier than January 27, 1994 will be eligible for art rejection.

Claim Rejections - 35 USC § 102

6. Claims 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Spiegelhoff et al. (US Patent number 5, 742, 931).

Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the filter limitations of claim 20 *for engaging unspecified vendor terminals and for filtering said requests to determine with which vendor terminals said requests should be matched* are not supported by the specification. Thus only the limitations of claims 20-27 that are supported by the specification are being considered for examination.

Regarding claim 20, Spiegelhoff teaches a computerized system for engaging in transactions over a data network, said computerized system (col.3 line 62 to col.4 line 2, "... a computerized system is provided..." and col.4 lines 61-63, "Computer 22.... and will be electronically connected.... via modem, to the computers 24, 26,...") comprising:

a plurality of terminals, at least one of which being designated a requestor and others of which are designated vendor terminals (col.3 lines 62-65 and fig.1, "...an input request from the orderer.....selected wholesalers....". Note: Examiner has interpreted the orderer and the wholesales in the reference as buyer and vendors respectively.);

filter and broadcast means (col.2 lines 23-39, "...means for obtaining the informationfromthe warehouses.....by the means (i), and for selecting ...warehouses based on a predetermined criterion....) for receiving, over said data network, requests from said requestor to engage in transactions with unspecified vendor terminals (col.5 lines 25-28, "...being linked to the computers of.....warehouses... ..receiving input requests....", and col.4 lines 54-60, "

...first computer 22 ... connected... computer 24....computers 26,28....secondary warehouses 1,2 and "n"....". Note: Computer 22 refers to central computer system and elements 24,26,28, 30...the warehouses to unspecified vendor terminals.), and for filtering said requests to determine with which vendor terminals said requests should be matched (col.9 line 21 to col.12 line 25-the headings and contents under " Edit warehouse Routine", " Edit Freight/Rebate Charges Routine", and " Activate/ Deactivate Warehouse Routine" describing the filtering means and conditions. Note: Refer to subroutine 162 -col.9 lines 45-49, fig.7- for adding new warehouses and subroutine 180-col.10 lines 17-27, fig.8-for deleting warehouses as per the updated information on the warehouses-col.9 lines24-33. Refer routine 62, in fig.3 which permits to activate those warehouses only which can deliver items in the required time period and fulfill other reasons-col.11 line55-col.12 line 7.); and

means for matching said requests with vendor terminals which meet predetermined filter conditions for generating quotes (col. 3 lines 1-7, " ...obtaining information about an item from....warehouses.....to deliver the items based on a predetermined criterion" and col.9 line 21 to col.12 line 25-the headings and contents under " Edit warehouse Routine", " Edit Freight/Rebate Charges Routine", and " Activate/ Deactivate Warehouse Routine" describing the filtering means and conditions. Note: Refer to subroutine 162 -col.9 lines 45-49, fig.7- for adding new warehouses and subroutine 180-col.10 lines 17-27, fig.8-for deleting warehouses as per the updated information on the warehouses-col.9 lines24-33. Refer routine 62, in fig.3 which permits to activate those warehouses only which can deliver items in the required time period and fulfill other reasons-col.11 line55-col.12 line 7.) from information contained in a database associated with said vendor terminals (col.5 lines 35-38, " ...computers of ...warehouses.....storing a great deal of information...."), and for accepting said quotes from said vendor terminal, wherein the central database contains information that is insufficient to

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consummate the transaction (col.5 lines 16-24, " Data transfer...controlled by retailer's computer 22....transmission of data from the computer 22 to.....24....30 ... and extraction of data from ...24...30 to computer 22". Examiner has interpreted the retailer's computer 22's function that of the central computer and it does not contain sufficient information to consummate the transaction but it has to extract the data from vendor computers 24, 26, 28, 30.).

Regarding claim 21, Spiegelhoff discloses means for communicating responses from said vendor terminals to said filter and broadcast means (col. 5 lines 16-24, " ... computer 22 is electronically linked..... computers 24,26...to permit information to be conveyed back and forth between computer 22 and the warehouse computers...". Here warehouse pertains to the vendor and retailer computer to filter and broadcast means.) and means at said filter and broadcast means for communicating a selected set of said response to said requestor (col. 3 lines 1-7, " obtaining information about an item fromwarehousesselecting, via the first computer, oneat least two warehouses to deliver the item.....". Here, the first computer relates to filter and broadcast means and warehouses to vendor terminals. Further, it will be inherent in the system to deliver the items to the orderer (in the reference), who relates to the requestor.)

Regarding claim 22, Spiegelhoff teaches said transaction is a purchase and wherein the purchase may comprise a plurality of items (col.4 lines 2-5, " ...systemordering each of a high number of items....).

Regarding claim 23, Spiegelhoff discloses means for establishing communications between said filter and broadcast means and said vendor terminals which meet said filter conditions; and means for determining whether a quote for said transaction from a particular vendor terminal meeting said filter conditions should be sent to said requestor (col. 2 lines 20-

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39, "means for obtaining the information from..... the warehousesmeans for evaluating the information.....and for selecting one ofwarehouses....based on a predetermined criterion...).

Regarding claims 24-26, Spiegelhoff further suggests that said communications can be continuous or periodic (col. 4 line 61 to col. 5 line 2, "electronically connected ... via modem.....orvia diskette, hard copy, or any other mechanism for communication.") and initiated by said vendor terminal (col. 5 lines 16-20, " computer 22 is electronically linked..... 24,26,28....permit information to be conveyed back and forth between computer 22 and..warehouse computers.").

Regarding claim 27, Spiegelhoff also discloses means for automatically notifying a buyer when particular items meeting specified conditions become available from a seller (col. 2 lines 23-39, " ...the system include means....for conveying information about items to the orderer... .means for evaluating the information....selecting... warehousesbased on a predetermined condition....).

7. Claims 28 and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Shavit et al. (US Patent number 4,799, 156) hereinafter referred to as Shavit.

Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the filter limitations of claim 28 *for filtering, at said filter means, the at least one request in order to ascertain a set of sellers potentially capable of supplying said goods or services* are not supported by the specification. Thus only the limitations of claims 28 and 30-31 that are supported by the specification are being considered for examination.

Regarding claim 28, Shavit teaches a method of purchasing goods or services over a network (see abstract) comprising the steps of:

communicating, over said data network, to a filter means (col. 2 lines 20-36, "a system is provided for interactive on-line electronic communications and processing of business transactions between....a plurality of sellers and a plurality of buyers....and a selected one of the plurality of sellers wherein one party to the transaction specially selects the other party ...". Note: system 50 relates to filter means.), at least one request for a proposal from a potential buyer of said goods or services (col. 13 line 10, " A buyer may enter...one or more RFQs");

filtering, at said filter means, the at least one request in order to ascertain a set of sellers potentially capable of supplying said goods or services (col. 2 lines 25-36, " ...access means for interactive on-line transactions between one of the plurality of buyers and a selected one of the plurality of sellers.....specifically selects the other party..". Note: specifically selection of a party to the transaction relates to filtering to ascertain a set of sellers for supplying said goods or services. Shavit discloses that the transaction can take between more than two different users- col.2 lines 33-36- that is between a buyer and more than one sellers.); and

obtaining, from at least one of said potential sellers over a data network, quotes to supply said goods or services, and forwarding said quotes to said potential buyer (col.15 line 61-col.16 line 10, " ..system transmits RFQ to a supplier.....receive...a structured bidding file...it is communicated to the distributor's terminal..". Note: distributor relates to buyer. Also see col.16 lines 54-60, "shipped can inter.....RFQ.....submit to one or more subscribing carriers.....bid can be received immediately...or shortly after), wherein at least part of the quote information is stored at a location remote from said filter means (col5. lines 20-42, " The system 50 permits users...buyers, sellers,at remote sites to conduct business transactions and communicate with databases.....from a variety of remote terminals...". Note: system 50 relates to filter means and seller's terminal a remote location from filter means.).

Regarding claim 30, Shavit discloses the step of each seller contacting said filter means at predetermined intervals and supplying bids in response to any requests for proposal that have arrived at said filtering means (col.6 line 62-col.7 line1, "...system 50 supports for batch communications.....buyers and sellerscommunications with the mailbox owner may be done periodically and on a batch basis....") and that was determined, by the filter means, to be a request for proposal for goods or services which said each seller is potentially capable of supplying (col. 2 lines 25-36, " ...access means for interactive on-line transactions between one of the plurality of buyers and a selected one of the plurality of sellers.....specifically selects the other party..". Note: specifically selection of a party to the transaction relates to filtering to ascertain a set of sellers for supplying said goods or services. Shavit discloses that the transaction can take between more than two different users-col.2 lines 33-36- that is between a buyer and more than one sellers.).

Regarding claim 31, Shavit further discloses the step of automatically and periodically supplying the filter means (col. 7 lines 43-46, "Communications....interactivea continuous flow ...or batch involving periodic transfer of information or transaction..."), with information sufficient to assemble a bid and sending the bid to said potential buyer via e-mail (col. 11 lines 52-67, " the buyer is advised about any outstanding incoming mail....incoming bids.....bids, shipping advisories ..transferred to the user's computer...").

Claim Rejections - 35 USC § 103

8. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit (US Patent number 4,799, 156) in view of Maloney et al. (US Patent 5,684,870), hereinafter, referred to as Maloney.

Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the limitations of claims 17-19, "*filter means for filtering the network members in said storage means to determine whichnetwork members ...in accordance with pre-established conditions and that the filter conditions are set by the buyer and the vendor for selecting one or more appropriate vendors to send the buyer's request for proposals but instead the vendor is already selected/designated by the buyer when he forwards the request*" are not supported by the specification. Thus only the limitations of claims 17-19 that are supported by the specifications are being considered for examination.

Regarding claims 17 -18, Shavit teaches a computerized system for forming a computer based communications network of network members inclusive of network buyers and or network vendors for processing requests for proposal for goods and services through at least one central processing unit (col. 5 lines 15-65, figs. 1 and 2, "...market management system 50...." is related to central processing unit including:

operating system software for controlling the central processing unit (col.2 lines 9-15, "...to provide a novel ...processing system permitting controlled on-line ...electronic access....operational and commercial information...."), said network members being remotely located from said central processing unit and connected thereto via a communications channel (col.5 lines 15-65, "...system 50 permits users.....at remote sites....and communicate....), the central processing unit being coupled to a storage means containing identification of the network members (see abstract, "...system includes a data base which contains user information....validation procedure to permit business transactions....);

means for network buyers to generate request for proposal for goods and/or services (col. 12 lines 58-60, "...distributor's menu may present.....request for quotation (RFQ)....."

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here distributor relates to buyer of goods from supplier, and col.15 lines 4-6, "...distributor's computer application...generate. ...RFQs',....);

means for transmitting said request for proposal to said central processing unit (col.7 lines 55-57, " ..incoming requests for quotation (RFQ) from ...customer..." and col. 15 lines 4-11, " ..the system 50 receives a transaction from one computer....", transaction here refers to RFQ);

means for broadcasting said request for proposal to the network members (col. 15 lines 63-64, " ... system transmits an RFQ to a supplier.....);

means for responding to the generator of said request with either a response from the selected network members (col. 15 lines 45-47, " ...system 50..allows the supplier to provide its customers with an on-line interactive sales service providing immediate quotations... information. ") or with a list of said selected members for said generator of said request to establish independent communication (col. 6 lines 39-43, " This also permits the system 50 to provide buyersreliable and consistent way of reaching multiple sources).

Additionally, Shavit teaches that the said network members communicate/send request for quotations via central processing system using public telephone networks, using computing logic, the location database, (col.5 lines 39-65, " ... The communication links 74a-8i may be of any of a wide variety of network services, such as public telephone networks,....., and col.7, lines 19-57). Shavit does not disclose filter means for filtering the network members in said storage means to determine which network members are to receive said request for proposal based upon filter conditions set up by the network buyer in said request for proposal or by the central processing unit in accordance with pre-established conditions. Note: the filter means in the specification pertains to selectivity logic 47/TIS (see amendment page 9, line 15-page 10, line 2, "...Functionally the operation is performed by the central traffic control system TIS.....the

selectivity logic 47....and occasionally the Unit P28”), which switches calls/communication between buyers and vendors based upon numerical data such as DNIS, AIN, to already selected/designated/specified buyers and vendors. See details in 2 (ii) and (iv) above. In view of this note, Maloney, like in the application, discloses filter means for filtering the network members in said storage means to determine which network members are to receive said request for proposal based upon filter conditions set up by the network buyer in said request for proposal or by the central processing unit in accordance with pre-established conditions. Maloney discloses the selection of calls/communication between buyers and vendors based upon data such as DNIS, to assist central station to determine and properly direct communications between already selected/designated/specified buyers and vendors (see at least Maloney, col.2, line 40-col.4, line 12, col.4, line 42-col.6, line 55, col.7, line 45-col.8, line 33, col.8, line 67-col11, line 27. It would have been obvious for an ordinary person of skill in the art at the time of invention to use Maloney’s concept of routing calls because that will enable the system to direct the calls/requests from buyers to the recipients’ call centers/sites based upon identification data as explicitly disclosed in Maloney (see at least, col.1, lines 25-31, col.2, lines 30-37, col.3, lines 37-64, col.10, lines 32-44).

Regarding claim 19, the limitations correspond to the system claims 17-18 and are therefore analyzed and rejected using the same rationale.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit as applied to claim 28 above, and further in view of Maloney

Regarding claim 29, Shavit teaches a method of purchasing goods or services over a data network as disclosed and analyzed in claim 28 above. Further, the limitation recited in

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claim 29 is covered in claim 17 and, therefore, analyzed and rejected in view of Shavit/Maloney using the same rationale of claim 17.

10 Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit (US Patent number 4,799, 156) in view of Maloney.

Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the limitations of claims 32-34 *for filtering said RFPs so that only sellers meeting a first set of filter conditions receive said RFPs and accepting quotes from sellers meeting said first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions set by vendors/filter means are sent to a buyer requesting said quotes* are not supported by the specification. Thus only the limitations of claims 32-34 that are supported by the specifications are being considered for examination. As analyzed above in 2 (ii) and (iv) above the filter means in the specification pertains to selectivity logic 47/TIS (see amendment page 9, line 15-page 10, line 2, "...Functionally the operation is performed by the central traffic control system TIS.....the selectivity logic 47....and occasionally the Unit P28 "), which switches calls/communication between buyers and vendors based upon numerical data such as DNIS, AIN, to already selected/designated/specified buyers and vendors. Specification does not disclose any additional filter conditions relating to the same request for proposal sent by a buyer.

Regarding claims 32-34, Shavit teaches a method of matching buyers of goods and services with sellers of goods and services over a data network (col. 5 lines 15-65, figs. 1 and 2) comprising the steps of:

communicating, from buyers to a central processing unit, requests for proposals (RFPs) (col.7 lines 55-57, " ..incoming requests for quotation (RFQ) from ...customer..." and col. 15

lines 4-11, "...the system 50 receives a transaction from one computer...", transaction here refers to RFQ); and

transmitting, to remotely located seller databases, RFPs (col. 15 lines 63-64, "... system transmits an RFQ to a supplier...." and col. 6 lines 39-43, " This also permits the system 50 to provide buyers with a reliablemultiple sources to shop...").

Shavit does not teach about filtering conditions set up by vendor/filter means. However, this limitation is already covered in claim 17 and is therefore analyzed and rejected using the same rational as in claim 17 in view of Shavit/Maloney.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

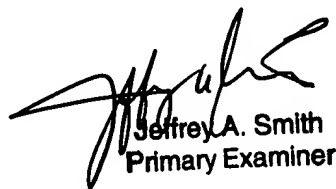
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
Art Unit 3625

YCG
February 18, 2004



Jeffrey A. Smith
Primary Examiner